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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/162,402 09/28/98 MCNALLY

R M0971/7001

EXAMINER

QM12/1006

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NGUYEN, B

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

10/06/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/162,402	Applicant(s) MCNALLY ET AL.	
	Examiner Binh-An D Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, 5-7, 15, 16, 19, and 27-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2 and 15, the recited phrase "the at least two began and ended" (line 5 of claim 2 and line 5-6 of claim 15) is vague and indefinite. Notice that it should be changed to "the at least two plays ..." for consistent.

In claims 5-7 and 19, the recited term "wherein additional symbols" lack antecedent basis.

Claims 27 and 41 lack positive method steps.

Claims 46, 47, 53, and 54 are vague and indefinite since it is unclear where would the step being executed. Notice, the term "a further step of" may be used in the preambles for clarity.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-60, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen ("Offense off to a flying start" by Sean Jensen, The Boston Globe, September 1, 1997) in view of Shur et al. (5,636,920).

Jensen teaches an article of manufacturing (the newspaper) which report drives of a football game with charts comprising: a substrate (newspaper); a plurality of symbols (arrows, lines, and dashes) representing different plays; a plurality of parallel lines, rendered on the substrate; a plurality of line segments; illustrating different plays and quarters, each of the play can be distinguished from other plays. See charts. Jensen does not explicitly teach symbols identifying player involving of responsible for moving the ball in the field during each of the play; an apparatus for rendering a diagram represent a football game; user inputting data. Shur et al. teach sports team organizer comprising symbols identifying player involving of responsible for moving the ball in the field during each of the play; an apparatus for rendering a diagram represent a sport game; user inputting data. See figures 1-6, 9, 11-19, and columns 1-8.

Regarding the limitations of symbols representing all plays at occurred during a half or during an entire game and altering ratio of represented field, those limitations are design choice.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the football game report of Jensen with sports team organizer of Shur et al. to come up with a better computer-implemented system and method of reporting plays throughout a football game.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3580 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Binh-An D Nguyen
Examiner
Art Unit 3713

BN
September 28, 2000

A handwritten signature in black ink, appearing to read 'MICHAEL O'NEILL', with a stylized flourish at the end.

**MICHAEL O'NEILL
PRIMARY EXAMINER**